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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

CHERYL A. TINDER-HOWELL, on  
behalf of herself and all others similarly  
situated,  
Plaintiff,

v.

UNION PACIFIC RAILROAD COMPANY,  
successor TO SOUTHERN PACIFIC  
TRANSPORTATION COMPANY, SFPP, L.P.  
(formerly known as SANTA FE PACIFIC  
PIPELINES, INC. formerly known as  
SOUTHERN PACIFIC PIPELINES INC.),  
KINDER MORGAN OPERATING L.P. "D",  
and KINDER MORGAN G.P., INC.,

Defendants.

CLASS ACTION

Case No. 3:15-cv-00317-LRH-(VPC)  
(consolidated with 3:15-cv-00478)

**NOTICE OF SETTLEMENT AND  
REQUEST TO CONTINUE STAY**

**AND ORDER THEREON**

Pursuant to the Court's orders issued on November 29, 2016 and December 1,  
2016, Doc. # 155 and 157, this case has been stayed pending Defendant Union Pacific  
Railroad Company's interlocutory appeal to the United States Court of Appeals for the

1 Ninth Circuit. On February 6, 2018, the court of Appeals entered its opinion in *In re Right-*  
2 *of-Way Claims*, Case No. 16-56562 (9th Cir. Feb. 6, 2018). (Ex. A). The mandate from the  
3 Ninth Circuit was issued on February 27, 2018.

4 All Plaintiffs in these consolidated cases, and Defendants Union Pacific Railroad  
5 Company, SFPP, L.P., Kinder Morgan Operating L.P. "D," and Kinder Morgan G.P., Inc.,  
6 (the "Parties") hereby inform the Court that the Parties have reached an agreement to resolve  
7 this litigation, and counsel for the Parties have executed a settlement term sheet.

8 The Parties respectfully request that the Court enter an order continuing all case  
9 deadlines for a period of 60 days to allow for finalization and performance of the settlement,  
10 and anticipated dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

11  
12 Dated: March 1, 2018

Respectfully submitted,

13 /s/ John K. Sherk

14 Joseph Rebein, (Admitted *Pro Hac Vice*)  
15 SHOOK, HARDY & BACON L.L.P.  
2555 Grand Boulevard  
16 Kansas City, Missouri 64108  
Telephone: 816-474-6550  
Facsimile: 816-421-5547  
17 [jrebein@shb.com](mailto:jrebein@shb.com)

18 Tammy B. Webb, (Admitted *Pro Hac Vice*)  
19 John K. Sherk, III, (Admitted *Pro Hac Vice*)  
SHOOK, HARDY & BACON L.L.P.  
One Montgomery, Suite 2700  
20 San Francisco, California 94104  
Telephone: 415-544-1900  
Facsimile: 415-391-0281  
21 [jsherk@shb.com](mailto:jsherk@shb.com)  
22 [tbwebb@shb.com](mailto:tbwebb@shb.com)

23 **ORDER**

24 IT IS SO ORDERED.

25 DATED this 5th day of March, 2018.

26   
27 LARRY R. HICKS  
28 UNITED STATES DISTRICT JUDGE